

DEC 28 2007

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SUMMIT LAKE PAIUTE TRIBE  
653 Anderson Street  
Winnemucca, NV 89445  
(775) 623-5151

December 27, 2007

RECEIVED

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ENVIRONMENTAL PROTECTION

Francisco Vega  
Nevada Division of Environmental Protection  
Bureau of Air Pollution control  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249

Re: Comment, Administrator's Intent to Issue a Class 1 Air Quality Operating Permit to Allow Sierra Pacific Resources Company to Construct a Class 1 Facility 30 Miles North of Ely, Nevada

Dear Mr. Vega:

This Comment is submitted following the Summit Lake Paiute Tribe's receipt of your agency's Notice of Proposed Action to Issue a Class 1 Air Quality Operating Permit to allow Sierra Pacific Resources Company to construct a Class 1 facility 30 Miles north of Ely, Nevada, and before the Notice's stated deadline of January 9, 2008.

By way of introduction, my name is Ron Eagleye Johnny, B.A., J.D.; I am the Summit Lake Paiute Tribe's Environmental Coordinator. The Summit Lake Paiute Tribe is a federally-recognized Indian tribe. It is my duty to review and provide comments on any projects that could have potential impacts on tribal resources and review and provide comments on environmental documents from outside agencies and or groups that could impact tribal lands. I am a Northern Paiute. I'm a former Tribal Chairman (1987-89) of the federally-recognized Fort McDermitt Paiute-Shoshone Tribe of Nevada and Oregon, a neighboring tribe of the Summit Lake Paiute Tribe. I am also a published author on environmental issues created by non-Indians and state and federal governments and imposed or proposed to be imposed on American Indians (Native Americans). See e.g., Erickson, Jon, Duane Chapman and Ron Eagleye Johnny, "Monitored Retrieval Storage of Nuclear Waste in Indian Country: Liability, Sovereignty, and Socioeconomics," 19(1) *American Indian Law Review* 73-103 (Norman, OK: University of Oklahoma, 1994).

As People who had the vast majority of their traditional territory of 2,800 square miles in what are now the states of Nevada and Oregon<sup>1</sup> illegally taken from them but still retaining the right to hunt, fish, gather, and practice spiritual and religious activities at all usual and accustomed places without a state license whether it now be private or public lands (since those rights were not compensated by the U.S. Court of Indian Claims), the Summit Lake Paiute Tribe

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<sup>1</sup> See Omer C. Stewart, *Northern Paiute Bands*, Vol. 2, No. 3, *Anthropological Reports* 127, 135-136 (Berkeley, CA: University of California Press, 1939) (identifies the geographical limits of the original 2,800 square miles of the Tribe's traditional territory, and that the Tribe was traditionally known (and still known today among other northern Northern Paiutes) as *Aga'ipañinadökadō* ("fish lake eaters") despite having changed their name in response to the Indian Reorganization Act of 1934 in 1964 which was approved by the United States on January 8, 1965).

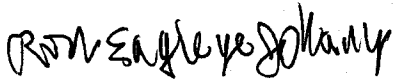
is worried that the State of Nevada is permitting too much pollution into the air which may negatively affect the traditional foods the members of the Summit Lake Paiute Tribe, other northern Northern Paiute tribes, and Western Shoshone Nation tribes have the legal right to hunt, fish and gather at all usual and accustomed places.

Summit Lake is home to one of few naturally spawning Lahontan Cutthroat Trout (LCT); these fish are listed in the federal Endangered Species List as threatened.

The State of Idaho and the federally-recognized Shoshone-Paiute Tribe of Nevada and Idaho (of the Duck Valley Indian Reservation) have recently announced warnings to the public to limit eating trout taken from streams and rivers, including Sheep Creek on the Duck Valley Indian Reservation, because of air borne mercury contamination alleged from gold mines in Nevada.

The Summit Lake Paiute Tribe believes that the issuance of a Class 1 Air Quality Operating Permit to allow Sierra Pacific Resources Company to construct a Class 1 facility 30 Miles north of Ely, Nevada is premature and that not enough study of the affects of the contaminates and other air borne particulates from the proposed facility, and all other facilities who are authorized by the State of Nevada to contaminate the air with contaminates and other air borne particulates which may join with the contaminates and other air borne particulates of this proposed Class 1 facility, on the traditional foods northern Northern Paiute tribes, and other tribes closer to the proposed facility, has taken place.

Sincerely,



Ron Eagleye Johnny, B.A., J.D.  
Environmental Coordinator  
Summit Lake Paiute Tribe

cc:  
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